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General Assembly

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Fiftieth session
THIRD COMMITTEE
Agenda item 112 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Argentina, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Mauritania, Mexico, Morocco, Nicaragua, Paraguay, Peru, Philippines, Tunisia, Turkey and Uruguay: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Elimination of All Forms of Discrimination against Women 4/ and the Convention on the Rights of the Child, 5/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 38/180, annex.

5/ Resolution 44/25, annex.

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Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action, 6/ adopted by the World Conference on Human Rights on 25 June 1993, all States are urged to guarantee the protection of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 49/175 of 23 December 1994, it requested the Secretary-General to submit to it at its fiftieth session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

6/ Report of the World Conference on Human Rights, Vienna, 14 to 25 June 1993 (A/CONF.157/24 (Part I), chap. III.

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General, within existing resources, to provide all facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General 7/ and requests him to submit to it at its fifty-first session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fifty-first session under the sub-item entitled "Implementation of human rights instruments".

7/ A/50/469.

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THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Andorra, Australia, Austria, Canada, Israel, Norway, Sweden and United States of America: draft resolution

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, 3/ signed in Paris on 23 October 1991, including part III thereof, relating to human rights,

Recalling Commission on Human Rights resolution 1995/55 of 3 March 1995 4/ and General Assembly resolution 49/199 of 23 December 1994 and

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See A/46/608-S/23177; see Official Records of the Security Council, Forty-sixth Year, Supplement for October, November and December 1991, document S/23177, annex.

4/ See Official Records of the Economic and Social Council, 1995, Supplement No. 3 (E/1995/23 and corrigenda), chap. II, sect. A.

previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, 5/ in which the Commission recommended the appointment of a special representative in Cambodia and the subsequent appointment by the Secretary-General of a Special Representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Commending the continued operation in Cambodia of the office of the Centre for Human Rights of the Secretariat,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. Requests the Secretary-General to assure the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing United Nations resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights of the Secretariat;

2. Welcomes the report of the Secretary-General to the General Assembly on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights; 6/

3. Welcomes also the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia;

4. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia;

5. Takes note with appreciation of the latest report submitted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia 7/ and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment

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5/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

6/ A/50/681/Add.1.

7/ A/50/681.

of the rule of law, good governance, freedom of expression and the promotion of an effective functioning multi-party democracy;

6. Notes that communal elections are due to be held in 1996 or early 1997 and National Assembly elections in 1998, and urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election, take part freely in a representative government and freedom of expression, in accordance with the principles set out in annex 5, paragraph 4, of the Agreement signed in Paris on 23 October 1991;

7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous reports, are followed up and implemented, and strongly encourages the Government of Cambodia to continue to cooperate with the Special Representative;

8. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

9. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, particularly in the essential area of creating a functioning system of justice and urges that efforts continue in this area, and also encourages the Government to improve the conditions of prisons;

10. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages, and other deplorable incidents detailed in the reports of the Special Representative;

11. Also expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his report, and calls upon the Government of Cambodia to prosecute in accordance with the due process of the law and international standards relating to human rights all those who have perpetrated human rights violations;

12. Expresses particularly grave concern at the comments made by the Special Representative concerning the reluctance of the courts to charge members of the military and other security forces for serious criminal offences, and encourages the Government of Cambodia to address this problem, which in effect places persons in authority above the principle of equality before the law;

13. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel land-mines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and welcomes the intention of the Government of Cambodia to ban all anti-personnel land-mines;

14. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the

International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

15. Encourages the Government of Cambodia to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

16. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

17. Encourages the Government of Cambodia to maintain constructive dialogue and consultation with the Centre for Human Rights concerning its activities in Cambodia;

18. Commends the ongoing efforts of the office in Cambodia of the Centre for Human Rights in supporting and assisting the Government of Cambodia, as well as non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia;

19. Condemns unreservedly attacks on and threats against United Nations, non-governmental organizations and Cambodian Government staff, as well as individuals, and calls upon the Government of Cambodia to investigate those attacks and threats and to prosecute those who are responsible, in accordance with the due process of the law and international standards relating to the administration of justice;

20. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities for the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

21. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children and minorities;

22. Requests the Secretary-General, to report to the General Assembly at its fifty-first session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

23. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-first session.